



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,848	12/08/2000	William J. Byrne	M-9904 US	2028

26111 7590 08/12/2004

STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
----------

SING, SIMON P

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 08/12/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/733,848

Applicant(s)

BYRNE ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 3-5, 9, 11-17, 21 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Dodrill et al. US 6,490,564.

1.1 Regarding claims 3 and 15, Dodrill discloses a system and method for processing voice enabled web applications. Dodrill teaches a script (PromptList 204) embedded within an element (EmbedFile 200) of a high-level language XML in figure 6. Dodrill teaches executing the element to generate a fragment ((Prompt Type 202), and an interpreter 86 (figure 4) interprets the processed script to produce a voice prompt and response to a user's request (column 12, lines 50-67; column 13, lines 1-10).

1.2 Regarding claims 4 and 16, Dodrill teaches that the high-level language is XML as discussed above.

1.3 Regarding claims 5 and 17, Dodrill teaches that a script can also be written in Java (column 43-46).

1.4 Regarding claims 9 and 21, Dodrill teaches executing the EmbedFile 200 to generate the fragment 202 (column 12, lines 50-60).

1.5 Regarding claims 11 and 23, Dodrill teaches selecting a set of audio prompts in order, such as audio prompts "wavurl1" and "wavurl2" in figure 6 (column 12, lines 61-67; column 13, lines 1-3).

1.6 Regarding claims 12 and 24, Dodrill teaches that audio prompts are selected from a PromptList in figure 6. It is inherent that the PromptList has a different number (variable length) of audio prompts, or wave files, based on different applications.

1.7 Regarding claims 13 and 25, Dodrill teaches prompting a user to input his telephone number and continue to play audio prompts a prescribed sequence (column 13, lines 1-9). Dodrill also teaches performing a logical operation using executable functions specified by a logic rule to play an audio file (column 13, lines 43-53). It is inherent that when a telephone inputted a correct telephone number (matched in a database), a welcome audio prompt is played to the user, if the telephone number is not correctly entered, another audio prompt is played to invite the user to try again.

1.8 Regarding claims 14 and 26, Dodrill teaches routing an incoming call to a voice response application (column 12, lines 61-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al. US 6,490,564 in view of Hanson et al. US 6,463,461.

Dodrill teaches a system and method for processing voice enabled web applications, but fails to teach a Java Server Page.

However, Hanson discloses a communications system in figures 1 and 2. Hanson teaches that a XML server comprises Java Server Page (column 5, lines 66-67; column 6, lines 1-15; column 7, lines 7-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodrill's reference so that the web server 64 would have comprised a Java Server Page, because such a modification would enabled the Dodrill system to dynamically get the content of a file or database.

3. Claims 7, 8, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al. US 6,490,564 in view of Saylor et al. US 6,263,051.

3.1 Regarding claims 7 and 19, Dodrill teaches a system and method for processing voice enabled web applications to respond a user's request with a selected script, but fails to teach that a user's request is a voice request.

However, Saylor discloses a system and method for voice service. Saylor teaches server with XML to assemble a voice service (column 18, lines 50-54; column 19, lines 1-3). Saylor also teaches that a request from a user is a natural language voice request (column 22, lines 17-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodrill's reference so that the request from a user would have been a voice request, because such a modification would enabled a user to enter a request by speaking instead of typing.

3.2 Regarding claim 8 and 20, Dodrill teaches the protocol of transferring information is HTTP (column 7, lines 61-67; column 8, lines 1-3, 19-24).

4. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al. US 6,490,564 in view of Surace et al. US 6,144,938.

Dodrill teaches executing the fragment to generating a voice response, but fails to teach that the voice response is randomly selected from a set of audio prompts.

However, Surace discloses a voice user interface with personality in figures 1 and 2 (column 3, lines 38-67; column 4, lines 1-53; column 5, lines 25-38). Surace

Art Unit: 2645

teaches creating a pool of audio prompts (Figure 15, column 20, lines 1-20), dividing audio prompts into three segments (mail\_top\_navlist, mail\_sum\_all\_voicemail\_none and gu\_mail\_reply\_recipient), and randomly generating a number to select an audio prompt from one of the segments (column 20, lines 1-20; column 5, lines 40-44; column 11, lines 16-25; column 15, lines 5-9, 19-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dodrill's reference with the teaching of Surace, so that an voice response (audio prompt) would have been selected randomly from a set of audio prompts, because such modification would have enabled the system to play different audio prompts to a user instead of a monologue one.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 3-26 have been considered but are moot in view of the new ground(s) of rejection.

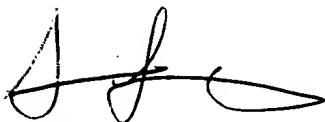
### ***Conclusion***

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 2645

supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

08/06/2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

